

REMARKS

Applicants thank the Examiner for the very thorough examination given the present application. Claims 1-3, 5-7, 11 and 12 are now present in the application. Claim 1 is now the only independent claim.

The Office Action dated June 5, 2008 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the pending claims are respectfully requested in view of the following remarks.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2 and 9-12 stand rejected under 35 U.S.C. § 102(a) as unpatentable over JP 2002-278174 A to Kitaoka.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claim 1 has been amended to incorporate the limitations directed to features of a document transporting device wherein the mounting portion has an unfixed area that a second portion of the document holder faces but is not fixed to, and a fixed area that a third portion of the document holder faces and is fixed to, the exposed area and the fixed area sandwiching the unfixed area therebetween, and wherein the document holder is supported in at least part of the exposed area by the movable plate and supported in at least part of the fixed area by the platen cover, and wherein the second portion of the document holder is thinner than the first and third portions of the document holder in such a manner that the second portion of the document holder is more likely to be bended smoothly than the first and third portions of the document holder are, thus rendering this rejection under 35 U.S.C. § 102(a) moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

This invention allows the document transport path to be exposed on a surface of the platen cover that faces a platen, thereby facilitating removal of an original document jammed in the document transport path. The invention allows a jammed original document to be removed by a small movement of the document holder, even in a case in which the document transport path is a transversely U-shaped path divided into upper, curved, and lower portions, and the document is jammed in the lower portion.

The Examiner states that Kitaoka shows a platen cover adapted to expose and cover a platen 21a, 21b, a document holder 90 mounted on a mounting portion, an exposing mechanism including a movable plate 90g, and the exposing mechanism is adapted to expose the document transport path.

Applicants respectfully submit that as now amended, claim 1 requires that the mounting portion has an unfixed area that a second portion of the document holder faces but is not fixed to, and a fixed area that a third portion of the document holder faces and is fixed to, the exposed area and the fixed area sandwiching the unfixed area therebetween, and wherein the document holder is supported in at least part of the exposed area by the movable plate and supported in at least part of the fixed area by the platen cover, and wherein the second portion of the document holder is thinner than the first and third portions of the document holder in such a manner that the second portion of the document holder is more likely to be bended smoothly than the first and third portions of the document holder are. To the contrary in Kitaoka, both resin sheets 90c and 90d are both bonded to the white sheet 90 and a sliding rail 90e slides the resin sheet 90d in a horizontal direction and the white sheet pressure plate 90 is mounted to the ADF. Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Kitaoka, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2, 11 and 12, Applicants submit that claims 2, 11 and 12 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 2, 11 and 12 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 3-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kitaoka in view of U.S. Patent No. 6,470,532 to Rude. Applicants submit the Examiner has failed to establish *prima facie* obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. *See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.*

Claim 3 requires, *inter alia*, that a biasing member be provided for the document transporting device for applying to the movable plate such a force as to move the movable plate from an exposing position to a covering position, the document transport path being exposed when the movable member is in the exposing position and covered when the movable member is in the covering position.

Responsive to claim 3, the rejection applied Kitaoka in view of Rude. Kitaoka does not show a biasing member for applying a force to a movable plate, as the rejection admits. The rejection further speculates that there is friction force in the hinge “to keep the movable member 90g tightly closed in a covering position.” There appears to be no basis in the reference for this conclusion. To make up for the lack of a biasing member, the rejection turns to Rude. To the contrary, Rude discloses a biasing member for a notebook computer which includes a cam mechanism to keep the lid closed. It is submitted that this combination is unreasonable for several reasons. First, the rejection establishes no *nexus* between the two totally disparate arts of document transport devices and computer lids. No problem has been established within the document transport device that requires a solution. And even if such a problem had been identified, what would have caused one working in the document transport art to go to the laptop art for a solution? There is nothing within Rude that suggests solutions to problems with document transport devices. Finally, even if a connection between these two arts had been created, and it has not, one attempting to combine these two references would have applied the biased hinge of Rude to the hinged cover for the transport device 3-11, not to unit 90g which is already biased by elastic member 90, and therefore does not appear to need yet another biasing

device. Moreover, there is nothing in Rude that discloses or suggests the mounting portion has an unfixed area that a second portion of the document holder faces but is not fixed to, and a fixed area that a third portion of the document holder faces and is fixed to, the exposed area and the fixed area sandwiching the unfixed area therebetween, and wherein the document holder is supported in at least part of the exposed area by the movable plate and supported in at least part of the fixed area by the platen cover, and wherein the second portion of the document holder is thinner than the first and third portions of the document holder in such a manner that the second portion of the document holder is more likely to be bended smoothly than the first and third portions of the document holder are, and therefore Rude fails to remedy the defects of Kitaoka discussed above with respect to claim 1. Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the subject matter recited in currently pending claim 1, and also claim 3, dependent thereon.

With regard to dependent claims 5-7, Applicants submit that claims 5-7 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 5-7 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

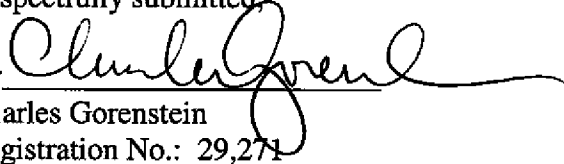
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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